

REMARKS

Claims 1, 18 and 19 have been amended to change the limitation "the solute of the electrolyte is a lithium containing salt" to -- the solute of the electrolyte consists of a lithium containing salt--.

Although applicants believe that there is no difference in scope between the original recitation and the amended recitation, i.e., both limitations limit the solute to a lithium containing salt and exclude other salts, the amendment has been made to ensure that proper consideration is given to the limitation by the Office.

As explained in the response filed January 21, 2009, and in the Submission under 37 C.F.R. § 1.114 filed September 16, 2008, the battery of Kim, U.S. Patent Application Publication No. 2003/0073005, relied on by the Office in the 35 U.S.C. § 102(e) and, alternative, 35 U.S.C. § 103(a) rejections of claims 5-8 and 13-16, requires, as an electrolyte, a salt having an organic cation that is capable of dissolving sulfur-based positive active material and which, as described on page 2, paragraph [0028] of Kim, does "not contain lithium ions."

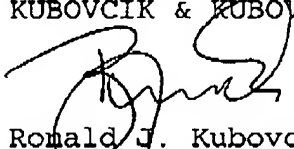
The previous limitation in the claims that the "solute of the [nonaqueous] electrolyte is a lithium-containing salt" and the

present limitation that the "solute of the [nonaqueous] electrolyte consists of a lithium-containing salt" exclude the salt having an organic cation of Kim and patentably distinguish the lithium secondary battery of the present invention over the battery of Kim.

Removal of the 35 U.S.C. § 102 and, alternative, 35 U.S.C. § 103(a) rejection and a notice of allowability of the claims remaining in the application are in order and are respectfully solicited.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension and any additional required fees may be charged to Deposit Account No. 111833.

Respectfully submitted,
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